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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,641	10/15/2003	Sheng Zhou	MSFT8 (010756.104510)	4980
27488 7590 05/25/2007 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER VU, VIET DUY	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 05/25/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,641

Applicant(s)

ZHOU ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

Art Unit: 2154

Art Rejections:

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chinta et al, U.S. pat. No. 6,879,995.

Per claims 1-2, Chinta discloses a system for monitoring and logging events generated during the execution of an on-line service application comprising:

a) an event generator software module (202) residing on a production server computer adapted to execute an on-line service application (200) thereon, said event generator software module

Art Unit: 2154

being operable to cause the generation of events and associated event data representative of the performance of said on-line service application during execution thereof by said production server computer (see col 29, lines 9-55);

b) an event router software module residing on said production server computer and being operable to receive said events and associated event data and to produce a stream of events and associated event data for real-time event monitoring, i.e. logging events (see col 36, lines 59-67);

c) a controller software module residing on said production server computer and being adapted to control operation of said event router software module and to reconfigure operation of said event router software module during execution of said on-line service application (col 37, lines 14-53); and,

d) a real-time event monitor software module residing on said production server computer and being configurable with threshold criteria related to said events and associated event data, said real-time event monitor software module being operable to receive said stream of events and associated event data and to generate alerts and associated alert data, e.g., emails, pages, etc., (see col 40, lines 12-16).

Chinta does not explicitly teach generating an alert in response to a predetermined threshold criteria being exceeded by

Art Unit: 2154

an event. It is however noted that many common errors and/or warning messages are generated based upon real-time monitored conditions against predetermined threshold criteria, e.g., low on memory, disk space, etc., (see col 40, lines 5-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such predetermined threshold criteria in Chinta for logging events generating alerts.

Per claims 3-8, Chinta teaches identifying generated events into different types or levels of use, i.e., normal, warning or error, and logging the events based upon the identified types or levels of use (see col 37, lines 1-13).

Per claims 9-12, Chinta teaches configuring a log buffer for temporarily storing events (see col 37, lines 54-61).

Per claims 13-14, Chinta teaches defining a destination location/file for storing the logged events (see col 37, lines 24-53).

Per claims 15-17, Chinta teaches specifying time interval for logging events and defining the file name based upon server/process ID and/or creation time (see col 38, line 13 - col 39, line 9).

Art Unit: 2154

Per claim 18, Chinta teaches providing an interface to enable/disable event logging functions (see col 37, lines 13-15).

Per claims 19-20, it would have been obvious to one skilled in the art to practice Chinta's invention to log any types of events.

Per claims 21-27, Chinta teaches logging events into a database so that they can be retrieved or reported to other entities (see col 37, lines 50-53). It would have been obvious to one skilled in the art to recognize that logged events would have been transmitted to other servers in the network using any conventional data processing manners.

Claims 28-40 are similar in scope as that of claims 1-27.

Conclusion:

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

Art Unit: 2154

see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Viet D. Vu', with a stylized, cursive script.

VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
5/18/07